STEVEN L. BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

LEONARD K. PETERS
SECRETARY

FACT SHEET

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TREATED WASTEWATER
INTO WATERS OF THE COMMONWEALTH

KPDES No.: KY0105023 **Permit Writer:** Ronnie Thompson **Date:** March 27, 2009
AI No.: 46425

1. **SYNOPSIS OF APPLICATION**

a. Name and Address of Applicants

Commonwealth Agri-Energy, LLC
4895 Pembroke Road
Hopkinsville, Kentucky 42240

b. Facility Location

Commonwealth Agri-Energy, LLC
4895 Pembroke Road
Hopkinsville, Christian County, Kentucky

c. Description of Applicant's Operation

Commonwealth Agri-Energy, LLC manufactures ethyl alcohol (ethanol) through fermentation of grain sugar (SIC Code 2869).

d. Production Capacity of Facility

35 million gallons of fuel alcohol per year.

e. Description of Existing Pollution Abatement Facilities

Outfall 001 - Noncontact cooling water, boiler blow down, reverse osmosis blow down, water softener blow down and storm water runoff is discharged after treatment in a retention pond.

Outfall 002 - Storm water runoff is discharged untreated.

Outfall 003 - Storm water runoff is discharged untreated.

Outfall 004 - Storm water runoff is discharged untreated.

f. Permitting Action

Reissuance of a minor KPDES permit for an existing source ethanol plant.

2. RECEIVING WATERS

a. Receiving Water Name/Location

Unnamed tributary to Rock Bridge Branch of Little River at: 36-48-34 latitude and 87-24-52 longitude (Outfall 001); 36-48-24 latitude and 87-24-59 longitude (Outfall 002); 36-48-26 latitude and 87-25-03 longitude (Outfall 003); 36-48-29 latitude and 87-25-05 longitude (Outfall 004).

b. Stream Segment Use Classifications

The unnamed tributary of Rock Branch of Little River is classified as Warmwater Aquatic Habitat, Primary/Secondary Contact Recreation and Domestic Water Supply.

c. Stream Segment Antidegradation Categorization

The unnamed tributary of Rock Bridge of Little River is designated as a High Quality Water pursuant to 401 KAR 10:030, Section 1(3)(a)1.

d. Stream Low Flow Condition

At the point of discharge, the 7Q10 for the unnamed tributary to Rock Bridge of Little River is 0 cfs.

3. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Outfall 001 – Noncontact cooling water, boiler blow down, reverse osmosis blow down, water softener blow down and storm water runoff.

Effluent Characteristics	Reported Discharge		Proposed Limits		Applicable Water Quality Criteria and/or Effluent Guidelines
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Flow (mgd)	0.754	1.320	Report	Report	401 KAR 5:065, Section 2(8)
Temperature (°F)	70.8	87.0	Report	89	401 KAR 10:031, Section 4
Total Suspended Solids (mg/l)	10	35	30	50	401 KAR 5:080, Section 1(2)(c)2
Oil & Grease (mg/l)	2.5	12.3	10	15	401 KAR 5:080, Section 1(2)(c)2
Total Dissolved Solids (mg/l)	267	2960	Report	Report	401 KAR 5:065, Section 2(8)
Hardness (as mg/l $CaCO_3$)	162	370	Report	Report	401 KAR 5:065, Section 2(8)
Total Recoverable Metals (mg/l)	6.5	44.1	Report	Report	401 KAR 5:065, Section 2(8)
pH (standard units)	6.3 (min)	8.8 (max)	6.0 (min)	9.0 (max)	401 KAR 10:031, Section 4

The data in the Reported Discharge columns for Flow, Temperature, Total Suspended Solids, Oil & Grease, Total Dissolved Solids, Hardness, Total Recoverable Metals and pH was determined from an analysis of the Discharge Monitoring Reports (DMRs) for the previous permit.

Total Recoverable Metals means Antimony, Arsenic, Beryllium, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, Thallium and Zinc.

4. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 001 – Noncontact cooling water at the rate of 820 gallons per minute, boiler blow down at the rate of 1 gallon per minute, reverse osmosis blow down at the rate of 22 gallons per minute, water softener blow down at the rate of 1 gallon per minute and storm water runoff.

b. Effluent Characteristics

Flow	Total Dissolved Solids
Temperature	Hardness
Total Suspended Solids	Total Recoverable Metals
Oil & Grease	pH

c. Pertinent Factors

Commonwealth Agri-Energy, LLC is subject to the requirements of Subparts F and J of 40 CFR Part 414 – Organic Chemicals, Plastics, and Synthetic Fibers. Specifically, the effluent limitations attainable by the application of "New Source Performance Standards" (NSPS) of 40 CFR Part 414.64 and 40 CFR Part 414.101 apply.

The effluent guidelines only address process wastewater discharges.

Commonwealth Agri-Energy, LLC does not discharge any process wastewater.

d. Monitoring Requirements

Flow shall be monitored instantaneously once per month.

Temperature, Total Suspended Solids, Oil & Grease, Total Dissolved Solids, Hardness and pH shall be monitored once per month by grab sample.

Total Recoverable Metals shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow, Total Dissolved Solids, Hardness and Total Recoverable Metals
The monitoring requirements for these parameters are consistent with the requirements of 401 KAR 5:065, Section 2(8).

Temperature and pH
The limits for these parameters are consistent with the requirements of 401 KAR 10:031, Section 4.

Total Suspended Solids and Oil & Grease
The limits for these parameters are consistent with the requirements of 401 KAR 5:080, Section 1(2)(c)2. The limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Conventional Pollutant Control Technology" (BCT) requirements for these pollutants.

5. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Outfall 002 – Storm water runoff.

Effluent Characteristics	Reported Discharge Monthly Average	Reported Discharge Daily Maximum	Proposed Limits Monthly Average	Proposed Limits Daily Maximum	Applicable Water Quality Criteria and/or Effluent Guidelines
Flow (mgd)	0.045	0.396	Report	Report	401 KAR 5:065, Section 2(8)
Total Suspended Solids (mg/l)	43	236	30	50	401 KAR 5:080, Section 1(2)(c)2
Oil & Grease (mg/l)	2.6	6.0	10	15	401 KAR 5:080, Section 1(2)(c)2
Hardness (as mg/l $CaCO_3$)	129	419	Report	Report	401 KAR 5:065, Section 2(8)
Total Recoverable Metals (mg/l)	6.0	56.1	Report	Report	401 KAR 5:065, Section 2(8)
pH (standard units)	6.2 (min)	8.2 (max)	6.0 (min)	9.0 (max)	401 KAR 10:031, Section 4

The data in the Reported Discharge columns for Flow, Total Suspended Solids, Oil & Grease, Hardness, Total Recoverable Metals and pH was determined from an analysis of the Discharge Monitoring Reports (DMRs) for the previous permit.

Total Recoverable Metals means Antimony, Arsenic, Beryllium, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, Thallium and Zinc.

6. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 002 – Storm water runoff from 1 acre, 50% of which is impervious.

b. Effluent Characteristics

Flow	Hardness
Total Suspended Solids	Total Recoverable Metals
Oil & Grease	pH

c. Pertinent Factors

None

d. Monitoring Requirements

Flow shall be monitored instantaneously once per month.

Total Suspended Solids, Oil & Grease, Hardness and pH shall be monitored once per month by grab sample.

Total Recoverable Metals shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow, Hardness and Total Recoverable Metals
The monitoring requirements for these parameters are consistent with the requirements of 401 KAR 5:065, Section 2(8).

Total Suspended Solids and Oil & Grease
The limits for these parameters are consistent with the requirements of 401 KAR 5:080, Section 1(2)(c)2. The limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Conventional Pollutant Control Technology" (BCT) requirements for these pollutants.

pH
The limits for this parameter are consistent with the requirements of 401 KAR 10:031, Section 4.

7. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Outfall 003 – Storm water runoff.

Effluent Characteristics	Reported Discharge Monthly Average	Reported Discharge Daily Maximum	Proposed Limits Monthly Average	Proposed Limits Daily Maximum	Applicable Water Quality Criteria and/or Effluent Guidelines
Flow (mgd)	0.027	0.259	Report	Report	401 KAR 5:065, Section 2(8)
Total Suspended Solids (mg/l)	55	278	30	50	401 KAR 5:080, Section 1(2)(c)2
Oil & Grease (mg/l)	2.6	6.1	10	15	401 KAR 5:080, Section 1(2)(c)2
Hardness (as mg/l $CaCO_3$)	145	452	Report	Report	401 KAR 5:065, Section 2(8)
Total Recoverable Metals (mg/l)	7.1	37.2	Report	Report	401 KAR 5:065, Section 2(8)
pH (standard units)	6.5 (min)	8.3 (max)	6.0 (min)	9.0 (max)	401 KAR 10:031, Section 4

The data in the Reported Discharge columns for Flow, Total Suspended Solids, Oil & Grease, Hardness, Total Recoverable Metals and pH was determined from an analysis of the Discharge Monitoring Reports (DMRs) for the previous permit.

Total Recoverable Metals means Antimony, Arsenic, Beryllium, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, Thallium and Zinc.

8. **METHODOLOGY USED IN DETERMINING LIMITATIONS**

a. Serial Number

Outfall 003 – Storm water runoff from 1 acre, 50% of which is impervious.

b. Effluent Characteristics

Flow	Hardness
Total Suspended Solids	Total Recoverable Metals
Oil & Grease	pH

c. Pertinent Factors

None

d. Monitoring Requirements

Flow shall be monitored instantaneously once per month.

Total Suspended Solids, Oil & Grease, Hardness and pH shall be monitored once per month by grab sample.

Total Recoverable Metals shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow, Hardness and Total Recoverable Metals
The monitoring requirements for these parameters are consistent with the requirements of 401 KAR 5:065, Section 2(8).

Total Suspended Solids and Oil & Grease
The limits for these parameters are consistent with the requirements of 401 KAR 5:080, Section 1(2)(c)2. The limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Conventional Pollutant Control Technology" (BCT) requirements for these pollutants.

pH
The limits for this parameter are consistent with the requirements of 401 KAR 10:031, Section 4.

9. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Outfall 004 – Storm water runoff.

Effluent Characteristics	Reported Discharge Monthly Average	Reported Discharge Daily Maximum	Proposed Limits Monthly Average	Proposed Limits Daily Maximum	Applicable Water Quality Criteria and/or Effluent Guidelines
Flow (mgd)	0.002	0.014	Report	Report	401 KAR 5:065, Section 2(8)
Total Suspended Solids (mg/l)	21	86	30	50	401 KAR 5:080, Section 1(2)(c)2
Oil & Grease (mg/l)	2.8	6.0	10	15	401 KAR 5:080, Section 1(2)(c)2
Hardness (as mg/l $CaCO_3$)	88	200	Report	Report	401 KAR 5:065, Section 2(8)
Total Recoverable Metals (mg/l)	4.5	30.4	Report	Report	401 KAR 5:065, Section 2(8)
pH (standard units)	6.6 (min)	8.9 (max)	6.0 (min)	9.0 (max)	401 KAR 10:031, Section 4

The data in the Reported Discharge columns for Flow, Total Suspended Solids, Oil & Grease, Hardness, Total Recoverable Metals and pH was determined from an analysis of the Discharge Monitoring Reports (DMRs) for the previous permit.

Total Recoverable Metals means Antimony, Arsenic, Beryllium, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, Thallium and Zinc.

10. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 004 – Storm water runoff from 1 acre, 50% of which is impervious.

b. Effluent Characteristics

Flow	Hardness
Total Suspended Solids	Total Recoverable Metals
Oil & Grease	pH

c. Pertinent Factors

None

d. Monitoring Requirements

Flow shall be monitored instantaneously once per month.

Total Suspended Solids, Oil & Grease, Hardness and pH shall be monitored once per month by grab sample.

Total Recoverable Metals shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow, Hardness and Total Recoverable Metals
The monitoring requirements for these parameters are consistent with the requirements of 401 KAR 5:065, Section 2(8).

Total Suspended Solids and Oil & Grease
The limits for these parameters are consistent with the requirements of 401 KAR 5:080, Section 1(2)(c)2. The limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Conventional Pollutant Control Technology" (BCT) requirements for these pollutants.

pH
The limits for this parameter are consistent with the requirements of 401 KAR 10:031, Section 4.

11. ANTIDEGRADATION

The conditions of 401 KAR 5:029, Section 1 have been satisfied by this permit action. Since this permit action involves reissuance of an existing permit, and does not propose an expanded discharge, a review under 401 KAR 5:030 Section 1 is not applicable.

12. PROPOSED COMPLIANCE SCHEDULE FOR ATTAINING EFFLUENT LIMITATIONS

Permittee shall comply with the effluent limitations by the effective date of the permit.

13. **PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE**

Best Management Practices (BMP) Plan
Pursuant to 401 KAR 5:065, Section 2(10), a BMP requirement shall be included: to control or abate the discharge of pollutants from ancillary areas containing toxic or hazardous substances or those substances which could result in an environmental emergency; where numeric effluent limitations are infeasible; or to carry out the purposes and intent of KRS 224. The facility has several areas where support activities occur which have a potential of the discharge of such substances through storm water runoff or spillage. Some of these areas will drain to present wastewater treatment plants, others will not.

Cooling Water Additives, FIFRA, and Mollusk Control
The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in cooling water which ultimately may be released to the waters of the Commonwealth is prohibited, except Herbicides, unless specifically identified and authorized by the KPDES permit. In the event the permittee needs to use a biocide or chemical not previously reported for mollusk control or other purpose, the permittee shall submit sufficient information, a minimum of thirty (30) days prior to the commencement of use of said biocides or chemicals, to the Division of Water for review and establishment of appropriate control parameters. Such information requirements shall include:

1. Name and general composition of biocide or chemical,
2. Any and all aquatic organism toxicity data,
3. Quantities to be used,
4. Frequencies of use,
5. Proposed discharge concentrations, and
6. EPA registration number, if applicable.

Outfall Signage
As a member of ORSANCO (Ohio River Valley Sanitation Commission) the Commonwealth of Kentucky through the Division of Water implements a requirement that the permittee post a permanent marker at each discharge point to the Ohio River. It is the Best Professional Judgment of the Division of Water, 401 KAR 5:080, Section 1(2)(c)2, that all permittees post a marker at all discharge locations and/or monitoring points. The ORSANCO requirements for the marker specify it to be at least 2 feet by 2 feet in size and a minimum of 3 feet above ground level with the Permittee Name and KPDES permit and outfall numbers in 2 inch letters. For internal monitoring points the marker shall be of sufficient size to include the outfall number in 2 inch letters and is to be posted as near as possible to the actual sampling location.

14. **PERMIT DURATION**

Five (5) years. This facility is in the Four Rivers Basin Management Unit as per the Kentucky Watershed Management Framework.

15. **PERMIT INFORMATION**

The application, draft permit fact sheet, public notice, comments received, and additional information is available by writing the Division of Water at 200 Fair Oaks Lane, Frankfort, Kentucky 40601.

16. **REFERENCES AND CITED DOCUMENTS**

All material and documents referenced or cited in this fact sheet are parts of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the person listed below.

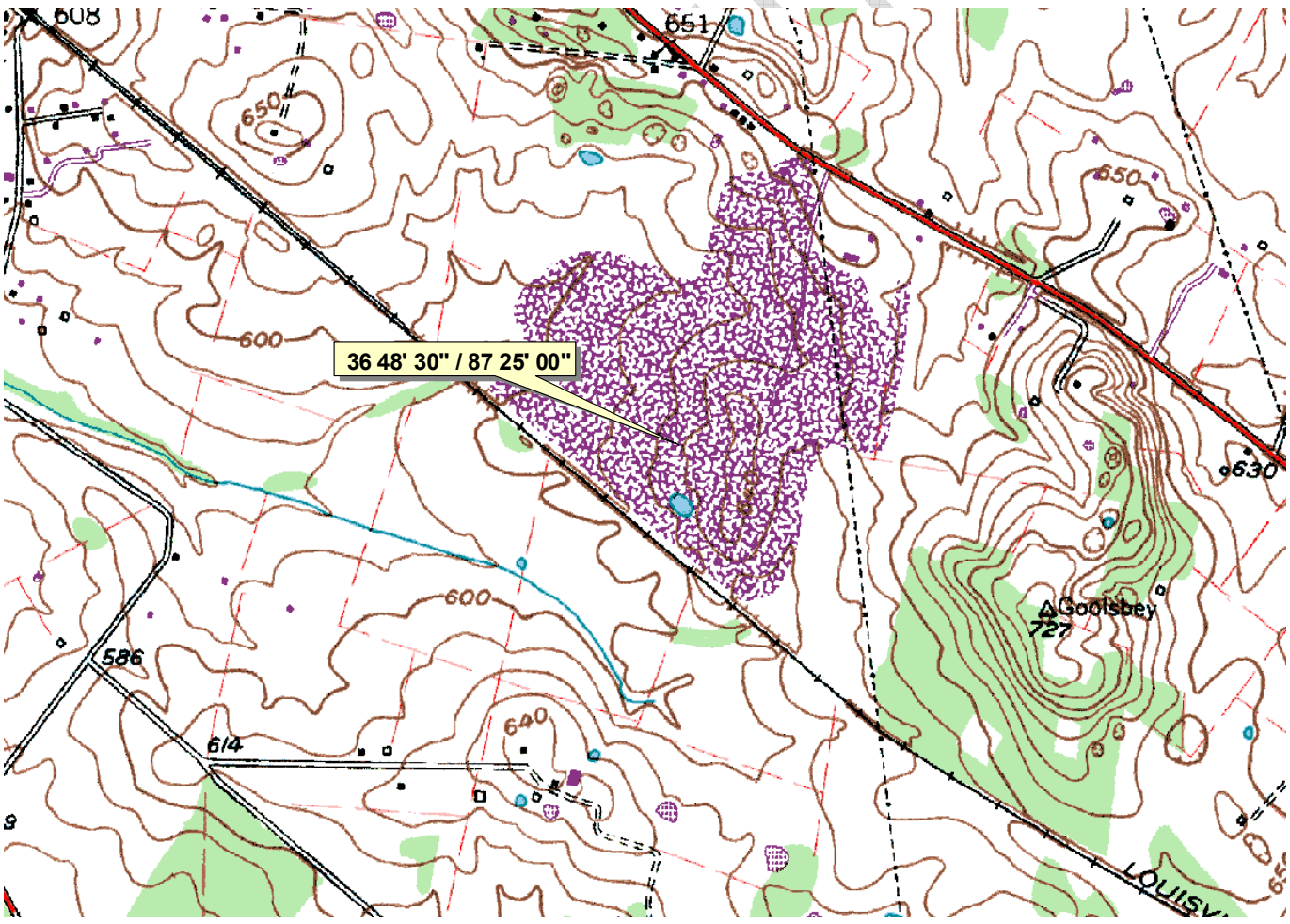
17. **CONTACT**

For further information, contact the individual identified on the Public Notice or the Permit Writer - Ronnie Thompson at (502) 564-8158, extension 4896 or e-mail Ronnie.Thompson@ky.gov.

18. **PUBLIC NOTICE INFORMATION**

Please refer to the attached Public Notice for details regarding the procedures for a final permit decision, deadline for comments, and other information required by 401 KAR 5:075, Section 4(2)(e).

Commonwealth Agri-Energy, LLC



KPDES

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT

PERMIT NO.: KY0105023
AI No.: 46425

AUTHORIZATION TO DISCHARGE UNDER THE KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to Authority in KRS 224,

Commonwealth Agri-Energy, LLC
4895 Pembroke Road
Hopkinsville, Kentucky 42240

is authorized to discharge from a facility located at

Commonwealth Agri-Energy, LLC
4895 Pembroke Road
Hopkinsville, Christian County, Kentucky

to receiving waters named

Unnamed tributary to Rock Bridge Branch of Little River at: 36-48-34 latitude and 87-24-52 longitude (Outfall 001); 36-48-24 latitude and 87-24-59 longitude (Outfall 002); 36-48-26 latitude and 87-25-03 longitude (Outfall 003); 36-48-29 latitude and 87-25-05 longitude (Outfall 004).

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in PARTS I, II, III, and IV hereof. The permit consists of this cover sheet, PART I 3 pages, PART II 1 page, PART III 1 page, and PART IV 3 pages.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight,

Date Signed

Sandra L. Gruzesky, Director
Division of Water

A1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfall serial number: 001 – Noncontact cooling water, boiler blow down, reverse osmosis blow down, water softener blow down and storm water runoff.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS (lbs/day)		DISCHARGE LIMITATIONS Other Units(Specify)		MONITORING REQUIREMENTS	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow (mgd)	Report	Report	N/A	N/A	1/Month	Instantaneous
Temperature (°F)	N/A	N/A	Report	89	1/Month	Grab
Total Suspended Solids	N/A	N/A	30 mg/l	50 mg/l	1/Month	Grab
Oil & Grease	N/A	N/A	10 mg/l	15 mg/l	1/Month	Grab
Total Dissolved Solids (mg/l)	N/A	N/A	Report	Report	1/Month	Grab
Hardness (as mg/l $CaCO_3$)	N/A	N/A	Report	Report	1/Month	Grab
Total Recoverable Metals (mg/l)	N/A	N/A	Report	Report	1/Quarter	Grab

The pH of the effluent shall not be less than 6.0 standard units or greater than 9.0 standard units and shall be monitored 1/Month by grab sample.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge or to mixing with the receiving waters or waste streams from other outfalls.

The abbreviation N/A means Not Applicable.

Total Recoverable Metals means Antimony, Arsenic, Beryllium, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, Thallium and Zinc. To report the results of the analysis for this parameter, the permittee shall total the results of the analysis for each individual parameter and report the aggregate value on the DMR. The laboratory bench sheets showing the results for each parameter shall be attached to the DMR.

A2. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfalls serial numbers: 002, 003 and 004 – Storm water runoff.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS (lbs/day)		DISCHARGE LIMITATIONS Other Units(Specify)		MONITORING REQUIREMENTS	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow (mgd)	Report	Report	N/A	N/A	1/Month	Instantaneous
Total Suspended Solids	N/A	N/A	30 mg/l	50 mg/l	1/Month	Grab
Oil & Grease	N/A	N/A	10 mg/l	15 mg/l	1/Month	Grab
Hardness (as mg/l $CaCO_3$)	N/A	N/A	Report	Report	1/Month	Grab
Total Recoverable Metals (mg/l)	N/A	N/A	Report	Report	1/Quarter	Grab

The pH of the effluent shall not be less than 6.0 standard units or greater than 9.0 standard units and shall be monitored 1/Month by grab sample.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge or to mixing with the receiving waters or waste streams from other outfalls.

The abbreviation N/A means Not Applicable.

Total Recoverable Metals means Antimony, Arsenic, Beryllium, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, Thallium and Zinc. To report the results of the analysis for this parameter, the permittee shall total the results of the analysis for each individual parameter and report the aggregate value on the DMR. The laboratory bench sheets showing the results for each parameter shall be attached to the DMR.

B. Schedule of Compliance

The permittee shall achieve compliance with all requirements on the effective date of this permit.

STANDARD CONDITIONS FOR KPDES PERMIT

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this permit.

PART III

OTHER REQUIREMENTS

A. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below (with a copy to the appropriate Regional Office) postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

Division of Water
Madisonville Regional Office
Madisonville State Office Bldg.
625 Hospital Drive
Madisonville, Kentucky 42431-1683
ATTN: Supervisor

Energy and Environment Cabinet
Dept. for Environmental Protection
Division of Water/Surface Water Permits Branch
200 Fair Oaks Lane
Frankfort, Kentucky 40601

B. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:086, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

C. Cooling Water Additives, FIFRA, and Mollusk Control

The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in cooling water which ultimately may be released to the waters of the Commonwealth is prohibited, except Herbicides, unless specifically identified and authorized by the KPDES permit. In the event the permittee needs to use a biocide or chemical not previously reported for mollusk control or other purpose, the permittee shall submit sufficient information, a minimum of thirty (30) days prior to the commencement of use of said biocides or chemicals, to the Division of Water for review and establishment of appropriate control parameters. Such information requirements shall include:

1. Name and general composition of biocide or chemical,
2. Any and all aquatic organism toxicity data,
3. Quantities to be used,
4. Frequencies of use,
5. Proposed discharge concentrations, and
6. EPA registration number, if applicable.

D. Outfall Signage

The permittee shall post a permanent marker at all discharge locations and/or monitoring points. The marker shall be at least 2 feet by 2 feet in size and a minimum of 3 feet above ground level with the Permittee Name and KPDES permit and outfall numbers in 2 inch letters. For internal monitoring points the marker shall be of sufficient size to include the outfall number in 2 inch letters and shall be posted as near as possible to the actual sampling location.

PART IV

BEST MANAGEMENT PRACTICES

SECTION A. GENERAL CONDITIONS

1. Applicability

These conditions apply to all permittees who use, manufacture, store, handle, or discharge any pollutant listed as: (1) toxic under Section 307(a)(1) of the Clean Water Act; (2) oil, as defined in Section 311(a)(1) of the Act; (3) any pollutant listed as hazardous under Section 311 of the Act; or (4) is defined as a pollutant pursuant to KRS 224.01-010(35) and who have ancillary manufacturing operations which could result in (1) the release of a hazardous substance, pollutant, or contaminant, or (2) an environmental emergency, as defined in KRS 224.01-400, as amended, or any regulation promulgated pursuant thereto (hereinafter, the "BMP pollutants"). These operations include material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas.

2. BMP Plan

The permittee shall develop and implement a Best Management Practices (BMP) plan consistent with 401 KAR 5:065, Section 2(10) pursuant to KRS 224.70-110, which prevents or minimizes the potential for the release of "BMP pollutants" from ancillary activities through plant site runoff; spillage or leaks, sludge or waste disposal; or drainage from raw material storage. A Best Management Practices (BMP) plan will be prepared by the permittee unless the permittee can demonstrate through the submission of a BMP outline that the elements and intent of the BMP have been fulfilled through the use of existing plans such as the Spill Prevention Control and Countermeasure (SPCC) plans, contingency plans, and other applicable documents.

3. Implementation

If this is the first time for the BMP requirement, then the plan shall be developed and submitted to the Division of Water within 90 days of the effective date of the permit. Implementation shall be within 180 days of that submission. For permit renewals the plan in effect at the time of permit reissuance shall remain in effect. Modifications to the plan as a result of ineffectiveness or plan changes to the facility shall be submitted to the Division of Water and implemented as soon as possible.

4. General Requirements

The BMP plan shall:

a. Be documented in narrative form, and shall include any necessary plot plans, drawings, or maps.

b. Establish specific objectives for the control of toxic and hazardous pollutants.

(1) Each facility component or system shall be examined for its potential for causing a release of "BMP pollutants" due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.

4. General Requirements

The BMP plan shall:

a. Be documented in narrative form, and shall include any necessary plot plans, drawings, or maps.

b. Establish specific objectives for the control of toxic and hazardous pollutants.

(1) Each facility component or system shall be examined for its potential for causing a release of "BMP pollutants" due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.

(2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g., precipitation), or other circumstances which could result in a release of "BMP pollutants", the plan should include a prediction of the direction, rate of flow and total quantity of the pollutants which could be released from the facility as result of each condition or circumstance.

c. Establish specific Best Management Practices to meet the objectives identified under paragraph b of this section, addressing each component or system capable of causing a release of "BMP pollutants."

d. Include any special conditions established in part b of this section.

e. Be reviewed by plant engineering staff and the plant manager.

5. Specific Requirements

The plan shall be consistent with the general guidance contained in the publication entitled "NPDES Best Management Practices Guidance Document," and shall include the following baseline BMPs as a minimum.

a. BMP Committee
b. Reporting of BMP Incidents
c. Risk Identification and Assessment
d. Employee Training
e. Inspections and Records
f. Preventive Maintenance
g. Good Housekeeping
h. Materials Compatibility
i. Security
j. Materials Inventory

6. SPCC Plans

The BMP plan may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Act and 40 CFR Part 151, and may incorporate any part of such plans into the BMP plan by reference.

7. Hazardous Waste Management

The permittee shall assure the proper management of solid and hazardous waste in accordance with the regulations promulgated under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1978 (RCRA) (40 U.S.C. 6901 et seq.) Management practices required under RCRA regulations shall be referenced in the BMP plan.

8. Documentation

The permittee shall maintain a description of the BMP plan at the facility and shall make the plan available upon request to NREPC personnel. Initial copies and modifications thereof shall be sent to the following addresses when required by Section 3:

Division of Water
Madisonville Regional Office
Madisonville State Office Bldg.
625 Hospital Drive
Madisonville, Kentucky 42431-1683
ATTN: Supervisor

Energy and Environment Cabinet
Dept. for Environmental Protection
Division of Water/Surface Water Permits Branch
200 Fair Oaks Lane
Frankfort, Kentucky 40601

9. BMP Plan Modification

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in the release of "BMP pollutants."

10. Modification for Ineffectiveness

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of "BMP pollutants," then the specific objectives and requirements under paragraphs b and c of Section 4, the permit, and/or the BMP plan shall be subject to modification to incorporate revised BMP requirements. If at any time following the issuance of this permit the BMP plan is found to be inadequate pursuant to a state or federal site inspection or plan review, the plan shall be modified to incorporate such changes necessary to resolve the concerns.

SECTION B. SPECIFIC CONDITIONS

Periodically Discharged Wastewaters Not Specifically Covered By Effluent Conditions

The permittee shall include in this BMP plan procedures and controls necessary for the handling of periodically discharged wastewaters such as intake screen backwash, meter calibration, fire protection, hydrostatic testing water, water associated with demolition projects, etc.